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August 26, 2002

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: WT Docket 02-100, ex parte communication

Dear Ms. Dortch:

In its Comments of June 10th in the captioned proceeding, Anne Arundel County ("County") characterized the wireless facility zoning ordinance challenged by Cingular as a "work in progress." (Page 9) Throughout the Comments and its Reply of June 25th, the County described collaborative efforts by its staff and the affected wireless carriers to improve the ordinance.

Enclosed is a set of amendments to the ordinance adopted on August 19, 2002. Among the changes wrought by the amendments are:

- New section 10-125 (L), waiving new setback requirements for co-location on facilities existing at the end of 2001.
- New section 10-125 (M), liberalizing co-location on existing nonresidential structures and on multi-family dwellings of more than 10 units.
- New section 10.125 (N), waiving new setback requirements for accessory structures placed within 50 feet of a "principal" commercial telecommunications structure that existed on December 31, 2001.

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Also attached is a news report about the adoption of the amendments, which appeared in the August 20th issue of an Annapolis newspaper. The report quotes the favorable reaction of one wireless carrier representative.

The amendments and the ongoing discussion among County staff and wireless carrier representatives reinforce the County's point that a declaratory ruling of the sort sought by Cingular would be premature at this time.

Please direct any questions to the undersigned or to the Senior Assistant County Attorney, Lori Blair.

Sincerely,

James R. Hobson  
Counsel for Anne Arundel County, Maryland

cc: Peter Tenhula  
Bryan Tramont  
Paul Margie  
Sam Feder  
Gary Oshinsky

Telecom firms win council vote

By MELISSA MONTEALEGRE, Staff Writer

The Capital

August 20, 2002

The County Council last night approved an emergency bill giving telecommunications companies more freedom to locate cell tower equipment. The council approved legislation permitting companies to place equipment huts near cellular towers without having to meet a 200-foot setback requirement from a home, school or park property line. That requirement is part of a county law currently being challenged before the Federal Communications Commission. The emergency bill does not affect the crux of the challenge, according to senior assistant county attorney Lori Blair. Approving the legislation allows companies to construct more than one antennae on a single structure. Unanimously supported by members of the wireless industry, the legislation came out of meetings the county Office of Law has been having with cellular industry attorneys. The sessions began after the council passed a sweeping cellular tower bill in January designed to reduce the number of dead spots -- or areas where county emergency workers can't make or place calls. That law is now pending review by the FCC after Cingular Wireless filed a claim, indicating the county overstepped its boundaries by trying to police the air waves. Steve Resnick, the attorney representing Verizon Wireless, said he was very pleased with the council's unanimous vote yesterday. "I thought it was a well-intended and thoughtful response to our concerns," he said. The

council also passed several amendments to the bill, which went into effect immediately. They included changes to allow more than one antennae to be placed on apartment buildings or condominiums, provided the housing structures are at least 50 feet in size and to provide that equipment huts are adequately screened and buffered.